

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

ULYSSES RODRIGUEZ CHARLES, Plaintiff	)	
v.	)	
CITY OF BOSTON, et al. Defendants	)	04-CV-10986-NG

**DEFENDANTS' ASSENTED TO MOTION FOR LEAVE  
TO DEPOSE PLAINTIFF IN CUSTODY**

Defendants, City of Boston and Stanley I. Bogdan, with the assent of the Plaintiff, hereby move for leave pursuant to Fed.R.Civ.P. 30(a)(2)(B) to depose the Plaintiff, Ulysses Rodriguez Charles, who is presently in the custody of the Plymouth County Sheriff's Office.

As grounds therefore, Defendants state as follows:

1. Plaintiff was noticed for his deposition in the above captioned matter on May 15, 2008 for his deposition to be taken June 30, 2008. Shortly thereafter, it was determined that the Plaintiff was then in the custody of the Massachusetts Department of Correction being housed in Concord, Massachusetts.
2. Upon information and belief, the Plaintiff was released from the custody of the Massachusetts Department of Correction in or about late June or early July 2008 and placed into the custody of federal immigration authorities on a detainer.
3. Plaintiff was re-noticed for his deposition in this action on August 26, 2008 for his deposition to be taken on September 9, 2008.

4. Counsel for the Plaintiff subsequently communicated to counsel for the Defendants that the Plaintiff remains in the custody of the Plymouth County Sheriff's Office at the Plymouth County Correctional Facility located at 26 Long Pond Road, Plymouth, Massachusetts pending resolution of unspecified immigration matters.
5. Plaintiff's counsel further represented to the Defendants that the Plaintiff is being held under the alias "Charles Rodriguez" or "Charles Rodriquez" and identified within the Plymouth County Correctional Facility as inmate number 30209.
6. Under Fed.R.Civ.P. 30(a)(2)(b) "a party must obtain leave of court, and the court must grant leave to the extent consistent with Rule 26(b)(2)...if the deponent is confined in prison."
7. Fact discovery is scheduled to conclude on September 29, 2008.
8. The taking of the Plaintiff's deposition in this action as soon as possible is imperative to the Defendants' case and not inconsistent with Fed.R.Civ.P. 26(b)(2).

WHEREFORE, Defendants respectfully request that the Court grant the Defendants leave to depose the Plaintiff, Ulysses Rodriguez Charles, at the Plymouth County Correctional Facility as soon as possible.

Assented to:  
Attorney for the Plaintiff  
Ulysses Rodriguez Charles,

Respectfully submitted,  
Attorneys for the Defendants,  
The City of Boston  
and Stanley Bogdan,

/s/ Frank Corso  
Frank C. Corso (BBO#545552)  
Sarrouf Corso, LLP  
95 Commercial Wharf  
Boston, Massachusetts 02110  
Tel: (617) 227-5800

Dated: September 5, 2008

/s/ John P. Roache  
John P. Roache (BBO#421680)  
Patrick J. Donnelly (BBO#651113)  
Roache & Associates, P.C.  
66 Long Wharf  
Boston, Massachusetts 02110  
Tel: (617) 367-0330  
Fax: (617) 367-0172

CERTIFICATE OF SERVICE

I, John P. Roache, hereby certify that on September 5, 2008, I served a copy of the above upon counsel of record by filing with the ECF/Pacer Case Management System.

/s/ John P. Roache  
John P. Roache